IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 26.03.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Appeal No.408 of 2004
and
WAMP.No.712 of 2004

K.Avodaiammal @ Dhanam .. Appellant

Vs.

Metropolitan Transport Corporation
(Chennai Ltd), rep. by its Managing Director,
Pallavan Illan, Anna Salai,
Chennai-600 002. .. Respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 10.10.2003 made in W.P.No.16530 of 2003 passed by the learned single Judge.

W.P.No.16530 of 2003:- Petition filed under Article 226 of Constitution of India to issue a writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of respondent dated 30.5.2003 letter No.4/2779/MTC/TTEG./shop/2003 and quash the same and consequently directing the respondents not to interfere with peaceful possession and enjoyment of Bunk Stall of the petitioner in Vadapalani, Bus Terminus, Chennai- 600 026 now in the petitioner's occupation, possession and use and enjoyment under a valid Agreement of Lease dated 1.4.1988 entered into between the Respondents and the Petitioner which is in full force and virtue as stated supra, except by any other due processes of law open to them.

For Appellant : Mr.R.Anand Kumar
For Respondent : Mr.V.R.Kamalanathan

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JUDGMENT

(Judgment of the Court was delivered by P. SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned single Judge dated 10.10.2003 passed in W.P.No.16530 of 2003, in and by which, the learned single Judge, following the earlier order dated 07.10.2003 passed in W.P.No.16618 and 16619 of 2003, has dismissed the writ petition.

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2. The learned counsel appearing for the respondent-Transport Corporation has brought to our notice that the petitioner/appellant, aggrieved by the action of the Transport Corporation in calling for tenders relating to grant of licence to run the tea shop at Vadapalani Bus Stand, has filed the writ petition before this Court.

3. It is seen from the proceedings of the Managing Director, Metropolitan Transport Corporation (Chennai) Limited, dated 30.05.2003 that the period of licence granted in favour of the petitioner to run the tea shop has already been expired. It further shows that the petitioner did not submit tender and she cannot run the tea shop after expiry of her period. The learned single Judge, based on the earlier order of this Court dated 07.10.2003, which relates to an identical issue, has dismissed her writ petition.

4. In view of the relief prayed for and of the fact that the lease period has already been expired and also taking note of the fact that the petitioner did not submit her tender, we do not find any valid ground for interference. In fact, inspite of affording opportunity on two occasions, the appellant/petitioner has not evinced any interest in prosecuting the writ appeal. Accordingly, the appeal is dismissed. No costs. Consequently, WAMP No.712 of 2004 is also dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

raa

To

The Managing Director,
Metropolitan Transport Corporation
(Chennai Ltd), Pallavan Illan, Anna Salai,
Chennai-600 002.

1 cc to M/s. V.R. Kamalanathan, Sr. 18818

W.A.No.408 of 2004

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